

MAY 9 1979

IN THE  
**Supreme Court of the United States**

MICHAEL RODAK, JR., CLERK

OCTOBER TERM, 1979

No. 78-1621

ROBERT L. VESCO,

*Petitioner,**v.*

INTERNATIONAL CONTROLS CORP.,

*Respondent.*

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**SUPPLEMENTAL PETITION FOR A WRIT OF  
CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE  
SECOND CIRCUIT**

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SUPPLEMENTAL PETITION

On April 24, 1979, the  
Petitioner, Robert L. Vesco, filed a  
Petition for Writ of Certiorari to the  
Supreme Court of the United States from  
a decision, dated January 24, 1979, of  
the United States Court of Appeals for  
the Second Circuit. In the course of  
compilation resulting in the final brief,  
the following footnote was inadvertently  
not included at the end of the first  
full paragraph, page 44.

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\*\* There is no question that the United States is also firmly bound by the effect of the letter dated July 10, 1973 from the office of the Prime Minister of The Bahamas to Dr. Kurt Waldheim, Secretary General of the United Nations. In the Matter of the Extradition Act, Chapter 57 and In the Matter of Robert L. Vesco, Magistrates Court, Commonwealth of The Bahamas (1973), an extradition proceeding commenced by the United States against the Petitioner, considered the parallel issue of whether a pre-existing treaty

between the United States and the United Kingdom of Great Britain continued in force between the United States and the Commonwealth of The Bahamas after the latter's becoming independent. In the cited case it was established by both the United States and the independent Commonwealth of The Bahamas that The Extradition Treaty signed in London, England on December 22, 1931 between the United States and the United Kingdom of Great Britain continued in full force and effect as to The Bahamas after the Bahamian Independence Order of July 10, 1973. Confirming the Bahamian succession to this Treaty, the Ministry of External Affairs, through its then Minister, issued a certification dated 19 November, 1973 stating that "Her Majesty in right of The Commonwealth of The Bahamas is a party to an arrangement for Extradition with the President of the United States of America being the extradition treaty signed at London, England on 22 December, 1931 which entered into force on the 4 June, 1935 and which has remained in force with the Commonwealth of The Bahamas." (Emphasis supplied) In conjunction with that certificate from the Ministry of External Affairs of the Commonwealth of The Bahamas, the Department of State of the United States, also, in a certificate dated November 8, 1973, and signed by the then Acting Secretary of State, also confirmed the efficacy of The Extradition Treaty in the following language: "I certify that the extradition treaty between the United States and

Great Britain, which was signed at London on December 22, 1931 and which entered into force on June 24, 1935 and thereupon became applicable to the Bahamas, continues in force between the United States and the Commonwealth of the Bahamas." (Emphasis supplied) Notably, the same party, Robert L. Vesco, was personally involved in the cited extradition proceeding, during the course of which the Supreme Court of the Commonwealth of The Bahamas also judicially determined the survival of the Extradition Treaty between the now independent Commonwealth of The Bahamas and the United States. In view of the above, the Petitioner herein and his counsel justifiably relied upon the survival of other treaties and conventions in the same category entered into between the United Kingdom of Great Britain and the United States, including the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. It is clear, therefore, that the United States also is firmly bound by the Convention. Accordingly, acting in full reliance upon the efficacy of the Convention, as well as the derivative principles of international law, the Petitioner and his counsel could properly conclude that the stated method of the service of process upon him, in the manner made, was legally insufficient under the terms of the Convention and, therefore, without consequence.